

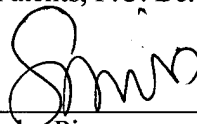


PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**CERTIFICATE OF MAILING**

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Sandra Pires

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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Application Serial No.: 10/576,048

Filed/371(c) date: August 7, 2006

Applicants/Appellants: Koichi SHIMAMURA, et al.

Title: SERVER APPARATUS AND CLIENT APPARATUS  
IN PRESENCE DISPLAY SYSTEM

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Appeal from a decision of the Primary Examiner dated July 31, 2009  
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Atty. Docket: VPM-01601

### **REAL PARTY IN INTEREST**

The above-identified application is assigned to **Vodafone Group PLC** by virtue of an Assignment recorded by the U.S. Patent and Trademark Office on January 24, 2008, at Reel 020409 / Frame 0037.

### **RELATED APPEALS AND INTERFERENCES**

Appellants are not aware of any other appeals, interferences or judicial proceedings related to the above-identified application.

### **STATUS OF CLAIMS**

This is an appeal from a decision of the Primary Examiner in the Office Action dated July 31, 2009, rejecting claims 2-50 in the above identified patent application; and claims 2-50 are on appeal. Claim 1 has been previously cancelled. Claims 2-50 stand rejected under 35 U.S.C. 103(a). No claim has been allowed or indicated to contain allowable subject matter. Appellants appeal the above-noted rejections. The Office Action of July 31, 2009, indicated that prosecution of the application was reopened by the Supervisory Patent Examiner (SPE) in view of Appellants' Appeal Brief previously filed on April 27, 2009. In accordance with option (2) identified on page 2 of the Office Action, in response to the Office Action Appellants initiated this new appeal by filing a Notice of Appeal on December 29, 2009.

## **STATUS OF AMENDMENTS**

Appellants filed an Amendment and Response on June 18, 2008 and a Supplemental Amendment and Response on July 3, 2008, in response to the non-final Office Action dated January 18, 2008, in which claim amendments were made and accordingly entered by the Examiner. Appellant filed a Notice of Appeal on March 6, 2009, in response to the Final Office Action dated November 7, 2008, which did not involve any claim amendments. Prosecution of the application was reopened by the USPTO and a new non-final Office Action was mailed on July 31, 2009. In response thereto, Appellants filed a Notice of Appeal on December 29, 2009 that did not involve any claim amendments. Accordingly, all proposed claim amendments have been appropriately entered in the above-captioned application. The claims involved in this Appeal are set forth in the attached Claims Appendix.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

### **I. Background**

In recent years, instant messaging (IM) has attracted attention as communication means on IP networks such as the Internet. IM is a service that combines presence services to permit referencing of the states (presences) of partners such as whether partners are connected to the network and message exchange services that perform character-based conversations in real-time such as chats and progress has been made in standardizing such services. Presence services are also provided by communication systems that comprise mobile phones. Appellants have found that it would be desirable to provide a presence

display system that is facilitates the exchange of presence information among users, is easier to use, and which makes use of the characteristics of mobile phones.

## **II. Appellants' Claimed Invention**

Appellants' claims are discussed below in connection with portions of the specification and figures for purposes of non-limiting example and explanation only in accordance with 37 C.F.R. 41.37(c)(v).

Independent claim 9 recites a server apparatus in a presence display system (see, e.g., Figures 1 and 2A-C of the originally-filed specification) that includes the server apparatus (see, e.g., user data section 26) and a client apparatus (see, e.g., mobile station 11) for each user, constituted to allow the client apparatus to display the states of other users (see, e.g., Fig. 3A). The server apparatus includes means for holding information indicating the states of each user and location information that are transmitted by each of the client apparatuses (see, e.g., presence server 27 and page 9, lines 18-31), means for storing a buddy list that registers other users whose states the user wishes to watch (see, e.g., buddy list server 28 and page 9, lines 18-31), for each user, means for transmitting, to each user, information indicating the states of other users registered in the buddy list and information relating to the distance between the user and the other users (see, e.g., Fig. 3A, Fig. 4 and route (5) discussed on page 17), and means for creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user (see, e.g., buddy list server 28, page 22, line 14, et seq. and Figs. 8A-8B, routes (1) and (3)). Claims 2-8 and 13-17 depend directly or indirectly from claim 9.

Independent claim 10 recites a client apparatus in a presence display system (see, e.g., Figures 1 and 2A-C of the originally-filed specification) comprising a server apparatus (see, e.g., user data section 26) and a client apparatus (see, e.g., mobile station 11) for each user, constituted to allow the client apparatus to display the states of other users. The client apparatus includes a means for transmitting information indicating the state of the user and location information to the server apparatus (see, e.g., mobile station 11 operating with base station 15; Figure 4 and route (1) discussed on page 17). A means is provided for receiving information that indicates the states of other users and information relating to the distance between the user and the other users from the server apparatus (see, e.g., mobile station 11 operating with base station 15; Figure 4 and route (5)). A means is provided for displaying the states of the other users in a display form that corresponds with the distance between the other users and the user on the basis of the information indicating the states of the other users and information relating to the distance between the user and the other users thus received (see, e.g., Fig. 3A and page 14, line 11, et seq.) A means is provided for receiving a list of other users that are watching the state of the user in accordance with a request therefor (see, e.g., page 22, line 14, et seq., route (3) of Fig. 8A and Fig. 8B). Claims 11, 12 and 18-22 depend directly or indirectly from independent claim 10.

Independent claim 23 recites a method of allowing client apparatuses in a presence display system to display the states of other users (see, e.g., Figures 1 and 2A-C of the originally-filed specification). The method includes holding information indicating the states of each user (see, e.g., page 9, lines 18-31, discussion of operation of presence server 27) and

storing a buddy list that registers other users whose states the user wishes to watch, for each user (see, e.g., page 9, lines 18-31, discussion of operation of buddy list server 28). Further, the method includes transmitting, to each user, information indicating the states of other users registered in the buddy list (see, e.g., Fig. 3A, and Fig. 4, route (5)), and creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user (see, e.g., page 22, line 14, et seq. and Figs. 8A-8B, routes (1) and (3)). Claims 24-43 depend directly or indirectly from independent claim 23.

Independent claim 44 recites a server apparatus including a user data section (see, e.g., Fig. 1, user data section 26) containing information indicating the states of each user (see, e.g., information in presence server 27) and containing a buddy list that registers, for each user, other users whose states the user wishes to watch (see, e.g., information in buddy list server 28). A web server (see, e.g., web server 25) is coupled to the user data section to transmit, to each user, information indicating the states of the other users registered in the buddy list (see, e.g., Fig. 3A and Fig. 4, route (5)), wherein a list of the other users that are watching the state of the user is created and provided to the user in accordance with a request from the user (see, e.g., page 22, line 14, et seq. and Figs. 8A-8B, routes (1) and (3)). Claims 45-50 depend directly or indirectly from independent claim 44.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- I. Claims 2-7, 9-14, 16, 18, 19, 21, 23, 24, 27-30 and 32-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,176,840 to De Vries (hereinafter "De Vries") in view of U.S. Patent App. Pub. No. 2004/0170263 to Michael, et al. (hereinafter "Michael").
- II. Claims 8, 17, 22, 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries in view of Michael and further in view of U.S. Patent No. 6,658,095 to Yoakum, et al. (hereinafter "Yoakum").
- III. Claims 15, 20 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries in view of Michael and further in view of U.S. Patent App. Pub. No. 2004/0162882 to Mora (hereinafter "Mora").

## **ARGUMENT**

**The Examiner has failed to establish a prima-facie case of obviousness of the claims under 35 U.S.C. §103(a) as being unpatentable over De Vries in view of Michael and/or further in view of any of the other cited prior art references to Yoakum and Mora.**

### **A. Obviousness Standard**

In determining whether or not there is a proper case of obviousness, it is necessary to establish whether one of ordinary skill in the art would, having the prior art references before him, be capable, or otherwise motivated, to make the proposed combination, modification or substitution so as to yield all elements of a claimed invention. *See KSR Int'l Corp. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007); *see also In re Lintner*, 458 F.2d 1013, 1016 (CCPA, 1972). In rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness and the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966). *See also United States v. Adams*, 383 U.S. 39 (1966); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57 (1969); and *Sakraida v. AG Pro, Inc.*, 425 U.S. 273 (1976). The analysis used to combine prior art teachings to invalidate a patent claim based on obviousness should be explicitly articulated. *See KSR*, 82 USPQ2d at 1396, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). However, the analysis may take account of the inferences and creative steps that a person of ordinary skill in the art would employ. *Id.*



Moreover, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *See In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). In addition, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *See In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Furthermore, "[o]bviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor." *Para-Ordnance Mfg. v. SGA Importers Int'l*, 73 F.3d 1085, 1087 (Fed. Cir. 1995) (citing *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553 (Fed. Cir. 1983)). "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (citing *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991)).

**B. The cited references do not teach or fairly suggest every element of Appellants' claimed invention as to have rendered Appellants' claimed invention obvious to one of ordinary skill in the art at the time the invention was made.**

**1. Claims 2-7, 9-14, 16, 18, 19, 21, 23, 24, 27-30 and 32-50**

The rejection of claim 2-7, 9-14, 16, 18, 19, 21, 23, 24, 27-30 and 32-50 under 35 U.S.C. 103(a) as being unpatentable over De Vries and further in view of U.S. Patent App.

Pub. No. 2004/0170263 to Michael, et al. (hereinafter "Michael") is hereby traversed and it is respectfully requested that the rejection be reversed by the Board.

De Vries discloses place-specific buddy list services including an information service which provides search and notifications to inform when certain people (e.g., friends, family, business contacts, etc.) are nearby so as to facilitate communications with those people. As is noted on page 5 of the Office Action, De Vries does not explicitly disclose means for creating a list of other users that are watching the state of the user and transmitting the list of the user in accordance with a request from the user. The Office Action then cites to Michael as disclosing these features in connection with the rejection under 35 U.S.C. 103(a).

Michael discloses a telecommunications system that includes a telephone routing system and a presence server coupled to the routing system. The routing system is adapted to receive phone calls and provide an indication to the presence server whether the phone calls originate from registered users. The presence server maintains presence information for users, maintains watcher lists of the users who are being watched by specific other parties and transmits an indication to the other parties on the watcher lists that said users are present. Each user also maintains contact lists of other users. (See, e.g., Abstract and paragraphs 0018-0021 of Michael.)

The Office Action (pages 3 and 5) notes that Michael does not explicitly state that a watcher list is transmitted to the user in accordance with a request from the user. The Office Action then states:

Although Michael does not explicitly state that a watcher list is transmitted to the user in accordance with a request from the user, the fact that the server is creating, maintaining, and providing a buddy list to a user upon request, strongly points to the capability of the server which already creates and maintains a watcher list, to provide that watcher list to users upon request.

However, Michael does not disclose that a buddy list is transmitted from the presence server to the user upon request. Instead, in paragraph 19, Michael discloses that *each user* maintains a contact list and the presence server unit maintains presence information for each of the users (see paragraph 0018). Michael's server may pass presence information of one user to another user, but Michael does not disclose transmitting a buddy list to a user at the request of the user. Accordingly, the rationale that is set forth as implying the transmission of a watcher list to a user upon the request of the user in Michael is flawed because the basis therefor that is set forth in the Office Action (e.g., transmitting a buddy list to a user upon request of the user) is also not disclosed by Michael.

Furthermore, the action of transmitting a watcher list to a user upon request that is suggested in the Office Action as being "strongly" motivated in Michael is, in contrast, not consistent with the described operations of the system that are disclosed by Michael. Michael explicitly discusses the use of the presence server to maintain presence information of users and "watcher lists 1151 of those parties who are being watched by specific other parties." Michael discloses that the watcher list is provided on the presence server (1104)

and that it is the presence server (1104) that performs a "check of authorization information" prior to distributing a presence information about a user. Nothing in Michael indicates that a user may request a watcher list of all the other users that may be watching the state of that user. At best, Michael provides at the end of paragraph 0021 that:

It is noted that in certain embodiments, the users can specify which watchers are authorized to receive their presence information. Thus, a check of authorization information may occur prior such to distribution of a presence update.

Thus, according to Michael, a user may submit authorization information to the presence server about watchers which the presence server may then check before distributing a user's presence information to a requesting watcher. However, such disclosure does not provide that at a user request, a list of other users that are watching the state of user is transmitted to the user. Even in a scenario where a user compiles a list of other users authorized to be watchers and transmits that authorization list to the presence server, Michael's system is silent as to transmitting a list of watchers back to the user. In this particular scenario, such an action would be pointless under Michael's system since the user was the one who himself already compiled and transmitted the list of authorized watchers to the presence server.

An advantage provided by the presently-claimed invention is that, at any time, the user can request, and receive, a list of other users that are watching the state of the user. For example, in this manner according to the recited system, the user can decide, at that particular time, if any of those other users on the list should not be authorized to see the user's current state. That is, the user, having the list of watchers of the presence of the user that has been transmitted to the user at the user's request, may then determine whether one or more of those

watchers should not be authorized. In contrast, nothing in Michael's system provides for such operation, since, as noted above, Michael is silent as to any disclosure of transmitting a watcher list to a user at the user's request.

Appellants particularly note the statement at the bottom of page 3 and top of page 4 (and on page 5) of the Office Action that states:

For a user to specify particular watchers, it would be *strongly beneficial, if not necessary*, for the user to be provided with a list of watchers. (emphasis added)

An argument citing necessity relies on inherency to make a rejection, namely, that inherent to Michael's disclosure of user authorization of watchers is the transmission to the user, at the user's request, of a list of other users who are watching the presence state of the user.

Requirements for establishing inherency are noted in MPEP 2112:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Clearly, however, it is not *necessary* (i.e., inherent) that a user be provided with a list of watchers to specify particular authorized watchers, since Michael already describes operation of a system that does not disclose or require that a list of watchers be transmitted to

a user, and instead discloses merely that a user may communicate information about authorized watchers to the presence server. Being, however, *strongly beneficial* is an inappropriate justification to reject Appellants' claims. As is specifically noted on page 3 of the Office Action, Michael does not disclose the above-noted features recited by Appellants, nor are these features disclosed in any other cited prior art reference. Appellants agree with the Examiner that Appellants' claims, indeed, recite beneficial features. However, Appellants should not, and cannot, be penalized by hindsight reasoning like that noted by the Examiner who appears to be attempting to improve Michael's system using only the features and justification that are identified and recited by Appellants.

Accordingly, Appellants submit that the addition of Michael does not overcome the above-noted deficiencies of De Vries in connection with Appellants' recited claims. Appellants submit that claims 9, 23 and 44 all recite similar features as that discussed above and submit that the above-noted arguments apply to all these claims and the claims depending therefrom.

Concerning independent claim 10, and the claims depending therefrom, Appellants recite a client apparatus in a presence display system that includes the feature of a means for receiving a list of other users that are watching the state of the user in accordance with a request therefor. Appellants submit that, consistent with the discussion above concerning features not disclosed in Michael involving creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user, Michael also does not disclose, nor provide for, receiving a list of other users that are

watching the state of the user in accordance with a request therefor by the user as is recited in independent claim 10.

Accordingly, Appellants submit that neither De Vries nor Michael, taken alone or in combination, teach or fairly suggest at least the above-noted features that are recited by Appellants. In view of the above, Appellants respectfully request that the rejection be reversed by the Board.

## **2. Claims 8, 17, 22, 25 and 26**

The rejection of claims 8, 17, 22, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over De Vries in view of Michael and further in view of U.S. Patent No. 6,658,095 to Yoakum, et al. (hereinafter "Yoakum") is hereby traversed and it is respectfully requested that the rejection be reversed by the Board.

The feature of the independent claims are discussed above with respect to De Vries and Michael. Claims 8, 17, 22, 25 and 26 depend therefrom.

Yoakum discloses a presence system capable of monitoring state information derived from a plurality of sources over any number of disparate networks. The Office Action cites to Yoakum in connection with the creation and use of a relative presence setting table, citing specifically to col. 2, lines 22-59 and col. 7, lines 1-35 of Yoakum.

Appellants respectfully submit that the addition of Yoakum does not overcome the above-noted deficiencies of De Vries and Michael with respect to Appellants' independent claims. Yoakum does not disclose, nor is Yoakum cited by the Examiner in connection with, Appellants recited features that are discussed above with respect to De Vries and Michael. Accordingly, Appellants respectfully submit that neither De Vries, Michael nor Yoakum, taken alone or in any combination, teach or fairly suggest at least the above-noted features recited by Appellants. In view of the above, Appellants respectfully request that the rejection be reversed by the Board.

### **3. Claims 15, 20 and 31**

The rejection of claims 15, 20 and 31 under 35 U.S.C. 103(a) as being unpatentable over De Vries in view of Michael and further in view of U.S. Patent App. Pub. No. 2004/0162882 to Mora (hereinafter "Mora") is hereby traversed and it is respectfully requested that the rejection be reconsidered and withdrawn.

The feature of the independent claims are discussed above with respect to De Vries and Michael. Claims 15, 20 and 31 depend therefrom.

Mora discloses a messenger assistant for personal information management. The Examiner cites to Mora in connection with features involving transmission and receiving of a state of movement of each user, citing specifically to paragraphs 18 and 22 of Mora.



Appellants respectfully submit that the addition of Mora does not overcome the above-noted deficiencies of De Vries and Michael with respect to Appellants' independent claims. Mora does not disclose, nor is Mora cited by the Examiner in connection with, Appellants recited features that are discussed above with respect to De Vries and Michael. Accordingly, Appellants respectfully submit that neither De Vries, Michael nor Mora, taken alone or in any combination, teach or fairly suggest at least the above-noted features recited by Appellants. In view of the above, Appellants respectfully request that the rejection be reversed by the Board.

#### **CONCLUSION**

In view of the above, it is respectfully requested that the Board reverse all of the Examiner's rejections under 35 U.S.C. 103.

Date: January 12, 2010

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## **CLAIMS APPENDIX**

The claims involved in this Appeal are as follows:

1. (Cancelled)

2. (Previously presented) The server apparatus in a presence display system according to claim 9, wherein the location information includes latitude and longitude information, and the apparatus further comprises:

means for calculating the distance between the user and the other users registered in the buddy list on the basis of the latitude and longitude information transmitted by each user, and determining the proximity of the other users by comparing the calculated distance with a predetermined threshold value, and wherein

the proximity thus determined is transmitted to the client apparatus as information relating to the distance between the user and the other users.

3. (Original) The server apparatus in a presence display system according to claim 2, wherein the threshold value can be optionally set by each user.

4. (Original) The server apparatus in a presence display system according to claim 2, wherein the location information further includes address information, and address information is transmitted to the client apparatus in addition to the proximity.

5. (Previously presented) The server apparatus in a presence display system according to claim 9, wherein

means for storing information indicating whether a user gives consent for information relating to the distance thereof to be transmitted to the other users is provided for each user, and

the information relating to the distance is not transmitted to the client apparatus of users that have not consented to the transmission of information relating to distance.

6. (Original) The server apparatus in a presence display system according to claim 4, wherein

means for storing information indicating whether a user gives consent for address information thereon to be transmitted to other users is provided for each user, and

the address information is not transmitted to the client apparatus of users that have not consented to the transmission of address information.

7. (Previously presented) The server apparatus in a presence display system according to claim 9, wherein the buddy list is constituted by a plurality of community sets in which other users whose state the user wishes to watch are registered in groups; and

information indicating the states of the other users registered in a community set designated by the user and information relating to the distances between the user and the other users are transmitted to the client apparatus.

8. (Original) The server apparatus in a presence display system according to claim 7, wherein

a relative presence setting table, which associates and stores information indicating the state of the user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user; and

when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence setting table.

9. (Previously presented) A server apparatus in a presence display system comprising the server apparatus and a client apparatus for each user, constituted to allow the client apparatus to display the states of other users, comprising:

means for holding information indicating the states of each user and location information that are transmitted by each of the client apparatuses;

means for storing a buddy list that registers other users whose states the user wishes to watch, for each user;

means for transmitting, to each user, information indicating the states of other users registered in the buddy list and information relating to the distance between the user and the other users; and

means for creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user.

10. (Previously presented) A client apparatus in a presence display system comprising a server apparatus and a client apparatus for each user, constituted to allow the client apparatus to display the states of other users, comprising:

means for transmitting information indicating the state of the user and location information to the server apparatus;

means for receiving information indicating the states of other users and information relating to the distance between the user and the other users from the server apparatus;

means for displaying the states of the other users in a display form that corresponds with the distance between the other users and the user on the basis of the information indicating the states of the other users and information relating to the distance between the user and the other users thus received; and

means for receiving a list of other users that are watching the state of the user in accordance with a request therefor.

11. (Original) The client apparatus in a presence display system according to claim 10, wherein

the information relating to the distance between the user and the other users is the proximity that is determined by comparing the distance between the user and the other users with a predetermined threshold value; and

the displaying means displays an image corresponding with the information indicating the states of the other users received from the server apparatus with a size that corresponds with the proximity.

12. (Original) The client apparatus in a presence display system according to claim 10, wherein

the information relating to the distance between the user and the other users further includes address information, and

the displaying means is capable of displaying the addresses of the other users.

13. (Previously presented) The server apparatus in a presence display system according to claim 9, further comprising:

means for receiving location information from each of the client apparatuses.

14. (Previously presented) The server apparatus in a presence display system according to claim 9, further comprising:

means for transmitting location information to each of the client apparatuses.

15. (Previously presented) The server apparatus in a presence display system according to claim 9, further comprising:

means for transmitting a state of movement of each user to each of the client apparatuses.

16. (Previously presented) The server apparatus in a presence display system according to claim 9, further comprising:

means for determining location information using a base station id associated with each of the client apparatuses.

17. (Previously presented) The server apparatus in a presence display system according to claim 8, wherein the relative presence setting table causes different relative presence information to be displayed for different community sets of the other users.

18. (Previously presented) The client apparatus in a presence display system according to claim 10, further comprising:

means for transmitting location information to the server.

19. (Previously presented) The client apparatus in a presence display system according to claim 10, further comprising:

means for receiving location information from the server.

20. (Previously presented) The client apparatus in a presence display system according to claim 10, further comprising:

means for receiving a state of movement of each user from the server.

21. (Previously presented) The client apparatus in a presence display system according to claim 10, further comprising:

means for determining location information using a base station id associated with the client apparatus.



22. (Previously presented) The client apparatus in a presence display system according to claim 10, wherein a relative presence setting table, which associates and stores information indicating the state of each user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user; and when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence setting table, wherein the relative presence setting table causes different relative presence information to be displayed for different community sets of the other users.

23. (Previously presented) A method of allowing client apparatuses in a presence display system to display the states of other users, comprising:

- holding information indicating the states of each user;

- storing a buddy list that registers other users whose states the user wishes to watch, for each user;

- transmitting, to each user, information indicating the states of other users registered in the buddy list; and

- creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user.

24. (Previously presented) The method according to claim 23, wherein the buddy list is constituted by a plurality of community sets in which other users whose state the user wishes to watch are registered in groups and wherein information indicating the states of the other users registered in a community set designated by the user are transmitted to the client apparatus.

25. (Previously presented) The method according to claim 24, wherein a relative presence setting table, which associates and stores information indicating the state of the user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user and wherein when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence setting table.

26. (Previously presented) The server apparatus in a presence display system according to claim 25, wherein the relative presence setting table causes different relative presence information to be displayed for different community sets of the other users.

27. (Previously presented) The method according to claim 23, further comprising:

holding information indicating location information for each user, wherein the location information includes latitude and longitude information;

transmitting, to each user, information relating to the distance between the user and the other users in the buddy list that is calculated on the basis of the latitude and longitude information transmitted by each user; and

determining proximity of other users by comparing the distance with a predetermined threshold value, wherein the proximity is transmitted as information relating to the distance between the user and the other users.

28. (Previously presented) The method according to claim 27, wherein the threshold value can be optionally set by each user.

29. (Previously presented) The method according to claim 27, wherein location information is transmitted by each of the client apparatuses.

30. (Previously presented) The method according to claim 27, wherein location information is provided from the server to each client apparatus of the users.

31. (Previously presented) The method according to claim 27, further comprising:

transmitting a state of movement of each user to each of the client apparatuses.

32. (Previously presented) The method according to claim 27, further comprising:

determining location information using a base station id associated with each of the client apparatuses.

33. (Previously presented) The method according to claim 27, wherein information indicating whether a user gives consent for information relating to the distance thereof to be transmitted to the other users is provided for each user, and the information relating to the distance is not transmitted to the client apparatus of users that have not consented to the transmission of information relating to distance.

34. (Previously presented) The method according to claim 27, wherein the location information further includes address information, and address information is transmitted to the client apparatus in addition to the proximity.

35. (Previously presented) The method according to claim 34, wherein information indicating whether a user gives consent for address information thereon to be transmitted to other users is provided for each user, and wherein the address information is not transmitted to the client apparatus of users that have not consented to the transmission of address information.

36. (Previously presented) The server apparatus in a presence display system according to claim 9, wherein information relating to distance between the user and other users includes location information of the other users that is transmitted to the user and used by the user to calculate the distance.

37. (Previously presented) The client apparatus in a presence display system according to claim 10, wherein information relating to distance between the user and other users includes location information of the other users that is transmitted to the client apparatus and used by the client apparatus to calculate the distance.

38. (Previously presented) The method according to claim 23, further comprising:  
transmitting, to each user, location information for at least one other user in the buddy list.

39. (Previously presented) The method according to claim 38, further comprising:  
each of the users determining proximity of other users in the buddy list by calculating a distance between the user and the at least one other user using the location information.

40. (Previously presented) The method according to claim 39, further comprising:  
comparing the distance with a predetermined threshold value.

41. (Previously presented) The method according to claim 38, wherein the location information includes latitude and longitude information.

42. (Previously presented) The method according to claim 38, wherein transmitting location information and transmitting information indicating the states of other users are performed independently.

43. (Previously presented) The method according to claim 38, wherein the location information is the proximity of the other users to the user.

44. (Previously presented) A server apparatus, comprising:

a user data section containing information indicating the states of each user and containing a buddy list that registers, for each user, other users whose states the user wishes to watch; and

a web server, coupled to the user data section to transmit, to each user, information indicating the states of the other users registered in the buddy list, wherein a list of the other users that are watching the state of the user is created and provided to the user in accordance with a request from the user.

45. (Previously presented) The server apparatus according to claim 44, wherein location information is provided to at least one user for at least one of the other users that is in the buddy list.

46. (Previously presented) The server apparatus according to claim 45, wherein each of the users determines proximity of other users in the buddy list by calculating a distance between the user and the at least one other user using the location information.

47. (Previously presented) The server apparatus according to claim 46, wherein the distance is compared with a predetermined threshold value.

48. (Previously presented) The server apparatus according to claim 45, wherein the location information includes latitude and longitude information.

49. (Previously presented) The server apparatus according to claim 45, wherein providing location information and providing information indicating the states of other users are performed independently.

50. (Previously presented) The server apparatus according to claim 45, wherein the location information is the proximity of the other users to the user.

**EVIDENCE APPENDIX**

None.



**RELATED PROCEEDINGS APPENDIX**

None.